

REMARKS

The October 28, 2008 Official Action sets forth supplemental requirements for restriction and election of species under 35 USC §§121 and 372 based on the examiner's determination that the claim groups (I-IV) set forth at pages 2-3 of the Official Action allegedly lack unity of invention.

For the reasons presented in applicants' response to the restriction requirement set forth in the June 13, 2008 Official Action, which are hereby incorporated by reference in this response, applicants respectfully traverse and request reconsideration of these requirements for restriction and election of species. Suffice it to say that because claims 1-37 are drawn to a product and process adapted for the manufacture of such product, they have sufficient unity of invention to warrant their examination together in this application. See 37 CFR §1.478.

In order to be fully responsive to the aforementioned requirements, applicants hereby elect for examination in this application the subject matter of the Group IV claims (claims 32-37).

Applicants' elections in response to the present restriction and election of species requirement is without prejudice to their right to file one or more divisional applications, as provided in 35 USC §121, on the subject matter of any claims finally held withdrawn from consideration in this application.

Presented hereby is a preliminary amendment including an amendment to claim 32, which deletes certain of the variables represented by "R₇" and "R₂₂".

No new matter has been introduced into this application by reason of the present amendment, entry of which is respectfully requested. Cf., *In re Driscoll*, 195 USPQ 434 (CCPA 1997).

In accordance with the decisions in *In re Ochia*, 37 USPQ2d 1127 (Fed. Cir. 1995)

and *In re Brouwer*, 37 USPQ2d 1663 (Fed. Cir. 1996) and the Notice published in the Official Gazette of March 26, 1996 setting forth guidelines for the treatment of restricted product-and-process claims (see 1184 OG 86), applicants respectfully request that, in the event the claims of elected Group IV are found allowable, then the method claims of Groups I-III be rejoined and examined for patentability. See §821.04 of the Manual of Patent Examining Procedure.

The October 28, 2008 Official action set a shortened statutory response period of one (1) month. The initial due date for response, therefore, is November 28, 2008. This preliminary amendment and traversal of requirements for restriction and election of species is being filed before the expiration of the initial response period.

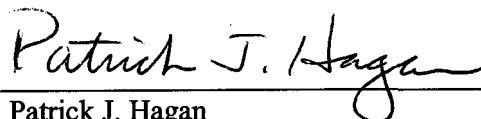
Early and favorable action on the merits of this application is respectfully requested.

Respectfully submitted,

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